

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE OFFICE OF THE COMMISSIONER
OF BASEBALL,

Petitioner,

v.

MICHAEL S. SITRICK,

Respondent.

Case No. 13 Civ. 7990 (ER) (ECF Case)

**CROSS-PETITION
OF ALEXANDER
EMMANUEL RODRIGUEZ**

Intervenor Alexander Emmanuel Rodriguez (“Mr. Rodriguez”), by and through his undersigned attorneys, for his cross-petition against Petitioner The Office of the Commissioner of Baseball (“Petitioner” or the “Commissioner”) pursuant to Fed. R. Civ. P. 24(c), respectfully alleges as follows:

1. Mr. Rodriguez is currently a party to an arbitration entitled Major League Baseball Players Association v. Office of the Commissioner of Baseball, Grievance No. 2013-2 (Alex Rodriguez) (the “Arbitration”).

2. On or about September 19, 2013, an Arbitration Subpoena (the “Subpoena”) was issued on behalf of the Commissioner to Respondent Michael S. Sitrick (“Mr. Sitrick” or “Respondent”) and Sitrick And Company (“Sitrick & Co.”), seeking Mr. Sitrick’s testimony in the Arbitration and seeking Sitrick & Co.’s documents for use against Mr. Rodriguez in connection with the Arbitration.

3. Mr. Sitrick objected to the Subpoena by letter dated September 27, 2013 from his counsel, McKool Smith Hennigan P.C.

4. On or about October 29, 2013, the Commissioner filed the instant Petition in New York State Supreme Court, seeking to compel Mr. Sitrick’s compliance with the Subpoena.

5. Mr. Sitrick removed the case to this Court on November 8, 2013.

6. On November 12, 2013, the Commissioner moved by Order to Show Cause to compel Mr. Sitrick's compliance with the Subpoena (the "Motion"). In the Order to Show Cause, the Court set a schedule permitting opposition papers to be filed by November 15, 2013 and reply papers by November 18, 2013, and setting this matter for a hearing on November 19, 2013.

7. Mr. Rodriguez has a significant interest in the motions before this Court, which may well be impaired by their disposition.

8. Further, Mr. Rodriguez's interest cannot be adequately protected by any other party to this litigation.

9. Mr. Rodriguez seeks to intervene in this action to oppose the Commissioner's Petition and Motion, and to cross-move this Court to quash the Subpoena pursuant to Fed. R. Civ. P. 45 and/or for a protective order pursuant to Fed. R. Civ. P. 26(c) (the "Cross-Motion").

10. The arguments in favor of Mr. Rodriguez's position are fully set forth in the accompanying Memorandum of Law, filed herewith.

WHEREFORE, Mr. Rodriguez respectfully requests an order: (1) granting his motion to intervene in this action pursuant to Fed. R. Civ. P. 24; (2) denying the Petition; (3) denying the Motion; (4) granting the Cross-Motion; and (5) granting such other relief as this Court may deem just and proper.

Date: New York, New York
November 15, 2013

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